



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

OUR DUTY TO THE PHILIPPINES.

BY HON. L. R. WILFLEY,MEMBER OF THE FEDERAL JUDICIARY IN THE PHILIPPINE ISLANDS.

BASED ON HIS FAREWELL ADDRESS TO THE BENCH AND BAR OF ST. LOUIS.

In the results of the Spanish War we again have history repeating itself. In the history of nations, as in the affairs of men, it often happens that the initial objective point of an enterprise is overshadowed by problems arising out of emergencies that were not dreamed of at the inception of the enterprise. Paradoxical as it may seem, it is nevertheless true, that when Admiral Dewey sunk the Spanish fleet in Manila Bay he at once destroyed Spanish rule in the West, which was the real purpose of the war, and assumed the far more momentous obligations of Spanish rule in the East, an event unthought of when war was declared.

The changes which the holding of the Philippines is bound to impose upon the structure of our government are radical and far reaching in their results, while our information in regard to the Islands has been, until recently, meager and unreliable.

But the recent publication of the clear and comprehensive report of the Taft Commission has thrown much light on the situation, whilst the rapid pacification of the Islands, and the passage of the Spooner Bill will afford the Administration an opportunity to announce at an early date a plan for the civil administration of the Archipelago. We have all proceeded far enough, however, in the investigation of the problem to arrive at one conclusion, and that is that the situation is bristling with difficulties. We are face to face with new facts and strange conditions. The old ship, to use a trite figure, is embarking upon an untried sea. We have set out for far distant shores. Whether the voyage will be a prosperous

one, for the old vessel, and new cargo, is a question, the solution of which will be followed with intense anxiety by the parties in interest and with curiosity by students of administration everywhere.

The difficulties which beset us arise out of two sets of facts; first, those which inhere in the Islands themselves and their inhabitants, and, second, those which relate to the administrative machinery of our government. The racial, climatic, religious and political conditions are such as to render the government of the Philippine Islands a gigantic task for a nation equipped for and experienced in the work of colonization, and for our government to undertake it without either experience or equipment brings it face to face with the most serious problem of this generation.

The spectacle of a nation "conceived in liberty and dedicated to the proposition that all men are created equal,"—operating under a rigid constitutional system which contemplates a highly developed homogeneous people dwelling in adjacent territory—undertaking to govern an Archipelago a thousand miles long and six hundred miles wide, composed of a thousand islands lying in the torrid zone, inhabited by ten millions of people composed of three distinct races and eighty-four known tribes, representing every shade of life from the educated Tagal to the wild Igerrote, embracing almost every form of religion and every type of social and political institutions—such a spectacle is without a parallel in the history of government.

Our experience hitherto has been with contiguous territory lying in the temperate zone which has yielded readily to our irresistible spirit of assimilation and annihilation. But in this instance our people are forbidden by the heat not only to support open air labor but to retain their original robustness of mind and body. This being the case, we cannot hope for the numerical predominance of our race, nor can we expect a very high degree of development of the people who now inhabit the islands. We cannot escape the effects of these physical conditions.

On the other hand we cannot escape the embarrassment resulting from the inadequacy of our political system for the work committed to us.

The solution of the question as to what extent the Constitution follows the flag we shall leave to the elder and wiser heads who now have it under consideration, and con-

tent ourselves with the statement of a few simple propositions about which there can be no dispute:

First: We all agree that our government is a Republic, operating under a written Constitution, specific in its terms and limited in its powers.

Second, We all agree that the framers of that instrument and those who subsequently expounded it and gave it judicial interpretation, endowed as they were with the power of forecast which enabled them to look as far into the seeds of time as any set of statesmen that ever established and maintained a Republic—did not in their wildest moments catch glimpses of the conditions that now confront us.

Third, We all agree that hitherto Congress, in the government of the territories, in the exercise of its powers under the Constitution, has proceeded on the theory of ultimate statehood.

Fourth, We all agree that the political dogma that "all men are created equal," played such a strong part in the formation of our Republic and has found such firm lodgment in the ideals of the American people that it is bound to receive large consideration by those engaged in founding new states and establishing new territories.

The situation in its last analysis then is that we have a Federal Union, unfitted by structure and tradition for the work of colonization, undertaking to govern colonies unfitted for statehood.

The question now arises, What course should we pursue? Shall we abandon the islands to the people who now inhabit them or to some bolder, stouter-hearted, better equipped member of the great powers? Or shall we, having put our hand to the plow, refuse to look back, but continue to the end and for that purpose so modify our political machinery as to meet the demands of the new conditions? In my opinion we have no option in the matter. We are committed by the obligations of war, by the obligations of international law, and by the still stronger obligations of national honor, to administer these islands. They fell into our hands as a result of an emergency of a war that was entered upon by the American people with pure purposes and lofty motives. Whatever sovereignty Spain had in the islands is now lodged with us. It is our vineyard now for profit or loss, for honor or dishonor. Shall we shirk the task because it is big and hard and unlooked

for? Would such a course be in keeping with the character of the American people?

No, the American people will never run away from the task because it is new and big and difficult. If we have no machinery adapted to the work, we shall provide it. If we must modify our equipment or leave the field in dishonor, we certainly will modify our equipment. And in doing this we do not propose to commit the folly of breaking with the past. We shall add to but not destroy. We go, "carrying a trowel to build, but never a torch to burn." But while we revere the sacred past we should not be fettered by it. What Lincoln said in 1862 is pre-eminently true today. "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

I am aware of the fact that this policy involves a radical change in our institutions, a change which must necessarily result in the modification at least of the spirit of our Constitution and a qualification of some of the tenets of the Declaration of Independence.

If the conditions in the Philippine Islands demonstrate anything beyond a peradventure it is, that all men are not created equal. It is folly for us to deceive ourselves on this proposition. The truth is, the doctrine of equality has had its existence more in the minds of political reformers than in the statute books. It had its origin with the Roman lawyers, who held that by the law of nature the people of one nation should be on an equal footing with the people of another. It passed out of the hands of the lawyers, however, during the period of the French Revolution, and was given new meaning by writers like Rousseau, and was an effective weapon in the hands of the Revolutionists. It found its way into our system through the association of Thomas Jefferson and Thomas Payne with Rousseau and other French statesmen and in that way became incorporated into the Declaration of Independence. The doctrine in the hands of Jefferson was also used effectively in unhorsing privilege and establishing our Republic. It has also impressed itself very deeply on the constitutions of almost all modern states, and has resulted in extending the franchise until it has become well-nigh universal.

The fallacy of the theory was fortunately detected by the other statesmen of the constitutional period who were the

authors of the Federal Constitution. While the doctrine of the Declaration of Independence was a deduction from the French philosophy, the Constitution which was framed by Hamilton, Madison, Washington, Franklin and others, was an outgrowth of the English constitution and English law, and in it we have the seeds of the strength and perpetuity of our institutions. It is one thing to establish a Republic and quite another to maintain it. The Constitution, however, gives the doctrine of equality quite a different meaning from that given by the French writers. It repudiates equality of ability and capacity, and substitutes in its stead the equality of opportunity, privilege and dignity before the law. It teaches that the true function of government is to "lift artificial weights from all shoulders, to clear the paths of laudable pursuits for all and to afford all an unfettered start and a fair chance in the race of life."

It will be argued by some that this radical departure is destined to shorten the life of our Republic and carries with it the seeds of decay. To this I can only reply that with nations as with individuals, their value does not depend on their length of life. Length of days in itself is not a virtue. Alexander, Cæsar, Napoleon, Pitt, Hamilton, Shakespeare and many others of "the great spirits which have arisen in the tide of times," did their work while they were comparatively young men, and the nations which have left the most valuable contributions to civilization have passed away. Persia and China were before Greece and Rome and survive them both. Yet I should rather have been a Roman citizen than a Persian prince. As forecast by Macauley, "The time may come when some traveller from New Zealand shall, in the midst of a great solitude, take his stand on a broken arch of London bridge to sketch the ruins of St. Paul's."

It may be that our Republic will pass away and be followed by a greater. But if it does, of one thing we may be sure, that American liberty and American justice will descend to posterity along with Hebrew faith, Greek art, and Roman law, as one of the most precious heritages of mankind. "Better fifty years of Europe than a cycle of Cathay."

This will be our message to mankind and this is our message to the Filipino. Whether he will accept it readily or whether it will require generations for him to absorb its full meaning, I do not know. Whether our government will undertake to change the terms of its organic law or modify the interpretation of it to meet the demands of the situation, I do

not know; but of this I am certain, that the Philippine inhabitants will have an opportunity to embrace the fundamental principles and enjoy the essence of our political institutions. Politically we know nothing else but liberty. Liberty regulated and protected by law is the great vitalizing principle of our form of civilization. It brought us into being and has given us our place among the nations of the earth. It has so consumed us that we know nothing else. We carry this principle to the Philippines because we can carry no other. We know of no other form of government except that which looks ultimately to individual liberty and representative government. We could not establish a tyrannical form of government if we should try. If we succeed in carrying these great forces of American liberty and American justice to the Philippines, though it requires a century to do so, our labors will have been rewarded a thousand fold.